

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
FIFTY-NINTH LEGISLATURE

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**FORTY-THIRD LEGISLATIVE DAY**  
**MONDAY, FEBRUARY 18, 2008**

Senate Chamber

President Risch called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senators Corder and Goedde, absent and formally excused by the Chair; and Senators Coiner, Gannon, Lodge, Pearce, Stegner, and Werk, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Brigitte Borup, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

Senators Coiner, Gannon, Stegner, and Werk were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 15, 2008, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

February 15, 2008

The JUDICIARY AND RULES Committee reports that **S 1260**, **S 1270**, **S 1271**, and **SCR 124** have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1260**, **S 1270**, **S 1271**, and **SCR 124**, and ordered them transmitted to the House for the signature of the Speaker.

February 15, 2008

The TRANSPORTATION Committee reports out **S 1379**, **S 1387**, and **S 1389** with the recommendation that they do pass.

McGEE, Chairman

**S 1379**, **S 1387**, and **S 1389** were filed for second reading.

February 18, 2008

The COMMERCE AND HUMAN RESOURCES Committee reports out **S 1397** with the recommendation that it do pass.

ANDREASON, Chairman

**S 1397** was filed for second reading.

February 15, 2008

The RESOURCES AND ENVIRONMENT Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Tom Long to the Idaho Outfitters and Guides Licensing Board, term to expire April 20, 2010;

C. Wayne Hunsucker to the Idaho Outfitters and Guides Licensing Board, term to expire April 20, 2010.

SCHROEDER, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 15, 2008

The RESOURCES AND ENVIRONMENT Committee reports out **S 1348** with the recommendation that it do pass.

SCHROEDER, Chairman

**S 1348** was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

### Messages from the House

February 15, 2008

Mr. President:

I transmit herewith Enrolled **H 430** and **H 359** for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled **H 430** and **H 359** and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

### **Motions and Resolutions**

Senator Lodge was recorded present at this order of business.

The President announced that **SCR 130** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Broadsword, seconded by Senator Stennett, **SCR 130** was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

Senator Pearce was recorded present at this order of business.

The President announced that **SCR 129** was before the Senate for final consideration.

Moved by Acting Senator Sagness, seconded by Senator Jorgenson, that **SCR 129** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Darrington, Davis, Fulcher, Gannon, Geddes, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--None.

Absent and excused--Corder, Goedde. Total - 2.

Total - 35.

Whereupon the President declared **SCR 129** adopted, title was approved, and the resolution ordered transmitted to the House.

The Senate advanced to the Eleventh Order of Business.

### **Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials**

#### **S 1432**

#### **BY STATE AFFAIRS COMMITTEE**

#### **AN ACT**

RELATING TO COMPENSATION TO COUNTIES FOR SERVICES TO THE STATE; AMENDING SECTION 31-2219, IDAHO CODE, TO PROVIDE THAT IN INSTANCES WHERE THE SHERIFF OR OTHER COUNTY OFFICER PERFORMS A SERVICE ON BEHALF OF THE PEOPLE OF THE STATE, THE CLAIM FOR COMPENSATION SHALL BE FILED WITH THE BOARD OF EXAMINERS AND IF APPROVED PAID BY THE DEPARTMENT OF CORRECTION TO THE TREASURER OF THE COUNTY OF THE SHERIFF OR OTHER OFFICER WHO PERFORMED THE SERVICE.

#### **S 1433**

#### **BY STATE AFFAIRS COMMITTEE**

#### **AN ACT**

RELATING TO FLOATING HOMES; AMENDING SECTION 55-2708, IDAHO CODE, TO PROVIDE FOR REASONABLE RENTAL RATES, TO PROVIDE FACTORS TO BE CONSIDERED IN DETERMINING WHETHER A CHANGE IN RENT IS REASONABLE, TO PROVIDE A REBUTTABLE PRESUMPTION RELATING TO REASONABLE RENTAL RATE INCREASES AND TO PROVIDE A PROCEDURE FOR ARBITRATION.

**S 1432** and **S 1433** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

### **Second Reading of Bills**

**S 1429**, by Finance Committee, was read the second time at length and filed for third reading.

**S 1405** and **S 1410**, by Education Committee, were read the second time at length and filed for third reading.

**S 1384**, **S 1398**, and **S 1426**, by Health and Welfare Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

### **Third Reading of Bills**

Senator Goedde was recorded present at this order of business.

On request by Senator Schroeder, granted by unanimous consent, **S 1353** was referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Davis, granted by unanimous consent, the Senate went at ease and resolved itself into the Committee for the Memorial Service.

### **MEMORIAL SERVICE**

The Service was conducted by Memorial Service Committee Chairmen, Senator Bair and Senator Heinrich. The Invocation was delivered by Senator Richardson and remarks were presented by Senator Bair. Musical selections, "Be Thou My Vision," "Sunnyside," and "Come Thou Fount," were performed by the Patrick and Lori Ann Jones Family. The Service was coordinated by June Keithly and Mary Harvey.

### **IN THE SENATE A SENATE MEMORIAL**

WHEREAS, the late Senator NORRIS "DOC" HYDE passed on since the close of the First Regular Session of the Fifty-ninth Legislature - to wit, November 9, 2007.

WHEREAS, the late Senator NORRIS “DOC” HYDE served the Senate in the interest of Adams, Boise, Gem, and Valley Counties during the Forty-ninth through the Fiftieth Legislatures of the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED that the Senate of the Second Regular Session of the Fifty-ninth Legislature of the State of Idaho draws public attention by this Memorial to the life and works of Senator NORRIS “DOC” HYDE; and

BE IT FURTHER RESOLVED, that the Senate of the Second Regular Session of the Fifty-ninth Legislature extends to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED, that the Secretary of the Senate be, and she is hereby instructed to spread this Memorial upon the Journal of the Senate and to mail copies to the NORRIS “Doc” HYDE family.

On motion by Senator Little, seconded by Senator Stennett, the Memorial to the late Senator Hyde was adopted by voice vote.

#### **IN THE SENATE A SENATE MEMORIAL**

WHEREAS, the late Senator CHARLES E. “CHICK” BILYEU passed on since the close of the First Regular Session of the Fifty-ninth Legislature - to wit, October 30, 2007.

WHEREAS, the late Senator CHARLES E. “CHICK” BILYEU served in the interest of Bannock, Power, and Bingham Counties during the Forty-first through the Fifty-second Legislatures of the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED that the Senate of the Second Regular Session of the Fifty-ninth Legislature of the State of Idaho draws public attention by this Memorial to the life and works of Senator CHARLES E. “CHICK” BILYEU; and

BE IT FURTHER RESOLVED that the Senate of the Second Regular Session of the Fifty-ninth Legislature extends to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby instructed to spread this Memorial upon the Journal of the Senate and to mail copies to the CHARLES E. “CHICK” BILYEU family.

On motion by Acting Senator Sagness, seconded by Senator Darrington, the Memorial to the late Senator Bilyeu was adopted by voice vote.

#### **IN THE SENATE A SENATE MEMORIAL**

WHEREAS, the late Senator MERLE DAVID PARSLEY passed on since the close of the First Regular Session of the Fifty-ninth Legislature - to wit, September 15, 2007.

WHEREAS, the late Senator MERLE DAVID PARSLEY served the Senate in the interest of Bonner and Boundary Counties during the Thirty-ninth Legislature of the State of Idaho.

NOW THEREFORE, BE IT RESOLVED that the Senate of the Second Regular Session of the Fifty-ninth Legislature of the State of Idaho draws public attention by this Memorial to the life and works of Senator MERLE DAVID PARSLEY; and

BE IT FURTHER RESOLVED, that the Senate of the Second Regular Session of the Fifty-ninth Legislature extends to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED, that the Secretary of the Senate be, and she is hereby instructed to spread this Memorial upon the Journal of the Senate and to mail copies to the MERLE DAVID PARSLEY family.

On motion by Senator Keough, seconded by Senator Langhorst, the Memorial to the late Senator Parsley was adopted by voice vote.

#### **IN THE SENATE A SENATE MEMORIAL**

WHEREAS, the late Senator CLAUD R. JUDD passed on since the close of the First Regular Session of the Fifty-ninth Legislature - to wit, April 13, 2007.

WHEREAS, the late Senator CLAUD R. JUDD served in the interest of Clearwater, Latah, and Nez Perce Counties during the Forty-third through the Forty-fourth Legislatures of the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED that the Senate of the Second Regular Session of the Fifty-ninth Legislature of the State of Idaho draws public attention by this Memorial to the life and works of Senator CLAUD R. JUDD; and

BE IT FURTHER RESOLVED that the Senate of the Second Regular Session of the Fifty-ninth Legislature extends to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby instructed to spread this Memorial upon the Journal of the Senate and to mail copies to the CLAUD R. JUDD family.

On motion by Senator Heinrich, seconded by Senator Langhorst, the Memorial to the late Senator Judd was adopted by voice vote.

The Benediction was offered by Chaplain Goebel.

Senator Bair declared the committee for the Memorial Service dissolved. Following the Memorial Service, President Pro Tempore Geddes called the Senate to order.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Twelfth Order of Business.

**Second Reading of Bills**

On request by Senator Goedde, granted by unanimous consent, **S 1397** was referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:22 p.m. until the hour of 10:30 a.m., Tuesday, February 19, 2008.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary